PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
)
Schweitzer et al.)   Group Art Unit: 2142
)
Application No.   09/935,130)   Examiner: Nguyen
)
Filed: 08/21/2001)   Attorney Docket No. XACTP014C
)
For: DATABASE MANAGEMENT AND)
RECOVERY IN A NETWORK-)
BASED FILTERING AND)
AGGREGATING PLATFORM)
(as amended))

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Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States or in a NAFTA or WTO member country, at a date prior to September 12, 1997, that is the effective date of U.S. Pat. No.: 6,601,048 that was cited by the examiner.

2. The person making this declaration is an inventor, Tal Givoly.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached exhibit and statement are submitted as evidence:

EXHIBIT A – Confidential technology documents dated at least as early as July 20, 1997.

STATEMENT: I, Tal Givoly, hereby state that the invention in the above application was conceived of and/or reduced to practice at least in part by me at least as early as July 20, 1997, as evidenced by EXHIBIT A. Such invention was conceived of and/or reduced to practice to be capable of collecting network communications usage information in real-time from a plurality of network devices utilizing a plurality of information source modules; filtering and aggregating the network communications usage information utilizing a plurality of gatherers, wherein the filtering and aggregating are based on a user-defined configuration; completing a plurality of data records from the filtered and aggregated network communications usage information utilizing a central event manager, the plurality of data records corresponding to network usage by a plurality of users; storing the data records in a database; continuously monitoring a state of the gatherers; detecting a fault; and utilizing the state of the gatherers and the stored data records to recover from the fault upon the detection thereof; as well as various other features embodied in the claims and specification of the above patent application.

From this exhibit and statement, it is clear that the invention in this application was conceived of and/or reduced to practice at least as early as July 20, 1997.

DILIGENCE

4. It is hereby declared that applicants acted diligently from the effective date of the citation of the cited reference, up to reduction to practice and/or the filing of the above application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection, or with a first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the Examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09 (C).

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature: _____ Date: 6/15/04

Tal Givoly

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